IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

CAROL L. VAUGHN **PLAINTIFF**

VERSUS **CIVIL ACTION NO: 1:09CV247-A-D**

WOODFOREST BANK **DEFENDANT**

DEFENDANT'S MOTION *IN LIMINE* TO PROHIBIT PLAINTIFF'S COUNSEL'S EMOTIONAL OUTBURSTS

COMES NOW Defendant Woodforest Bank ("Woodforest" or "Defendant"), by and through its counsel, and files its Motion *in Limine* to Prohibit Plaintiff's Counsel's Emotional Outbursts. Defendant respectfully requests that the Court instruct Plaintiff's counsel not to cry or show any such similar emotions in *voir dire*, opening statements, closing statements or at any other point in the trial. In support, Defendant states as follows:

1. In previous trials, Plaintiff's counsel has engaged in highly emotional *voir dire*, opening statements and closing statements – including prolific use of tearful hyperbole. Belief in one's client is one thing; however, excessive courtroom theatrics are quite another.

2. Such actions would only serve to inflame the biases or prejudices of the jury.

3. Such actions could mislead and confuse the jury, while at the same time offer nothing to the actual proof entered into evidence at the trial.

4. Should the Plaintiff delve into these matters at trial, it would be highly improper and prejudicial to Woodforest pursuant to Federal Rule of Evidence 403.

5. There is no other way this problem can be properly handled at the trial of this cause and in all probability any attempt to raise any of the above matters would result in mistrial.

6. Considering the nature of this Motion, Defendant requests the Court waive the requirement that a separate memorandum in support be submitted herewith.

WHEREFORE, PREMISES CONSIDERED, Defendant moves this Court for an Order instructing Plaintiff's counsel not to cry or show any such similar emotions in *voir dire*, opening statements, closing statements or at any other point in the trial.

Respectfully submitted, this the 18th day of January, 2011.

WOODFOREST NATIONAL BANK

BY: *s/ Carlyle C. White*
PAULA GRAVES ARDELEAN (MSB# 4975)
CARLYLE C. WHITE (MSB # 103051)
ITS ATTORNEYS

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CERTIFICATE OF SERVICE

I, Carlyle C. White, hereby certify that on this day I caused the foregoing to be electronically filed with the Clerk of the Court using the ECF system which sent notification of such filing to all registered attorneys:

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ATTORNEYS FOR PLAINTIFF

THIS the 18th day of January, 2011.

s/ Carlyle C. White
CARLYLE C. WHITE

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